

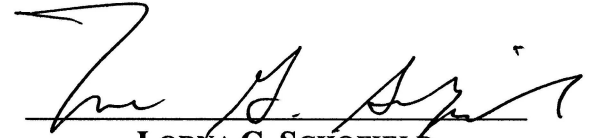
February 17, 2023

Application **GRANTED**. The parties shall brief Plaintiffs' anticipated motion for class certification as follows: Plaintiffs shall file the motion by **March 10, 2023**. Defendants shall file any memorandum of law in opposition by **April 7, 2023**. Plaintiffs shall file any reply by **April 21, 2023**. The parties' pre-motion letters regarding any motion for summary judgment shall be filed by **April 21, 2023**. So Ordered.

**VIA ECF**

Dated: February 21, 2023  
New York, New York

The Honorable Lorna G. Schofield  
United States District Judge, Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Re: *Catherine McKoy et al. v. The Trump Corporation, et al.* 18-cv-09936 (LGS) (SLC)

Dear Judge Schofield:

The parties in this matter write jointly pursuant to Rule I.B.2 of Your Honor's Individual Rules and Procedures for Civil Cases to respectfully request an order permitting modest extensions to the schedule for briefing Plaintiffs' anticipated motion for class certification, with no changes to the summary judgment or trial schedule.

On February 10, 2023, Plaintiffs filed a pre-motion letter seeking an order precluding Defendants' experts pursuant to Federal Rule of Civil Procedure 37(c), on the ground that those experts participated in private meetings with ACN Opportunity, LLC ("ACN") executives Robert Stevanovski and David Merriman (ECF 511), which Plaintiffs contend were not properly disclosed. Defendants submitted a response to Plaintiffs' letter motion, opposing preclusion of Defendants' experts and proposing that Defendants be permitted to supplement or amend their experts' reports. ECF 513 at 2.

On February 16, 2023, Judge Sarah L. Cave held a discovery conference concerning Plaintiffs' letter motion. Following the discovery conference, Judge Cave ruled in an order that:

1. Defendants shall, by February 28, 2023, serve supplemental reports or declarations by their experts regarding the substance of their discussions in January 2023 with Mr. Stevanovski and Mr. Merriman (ECF 514 ¶ 2);
2. "Given Stevanovski's participation" in meetings with Defendants' experts, and the experts' "apparent reliance on Stevanovski's statements," Plaintiffs shall be permitted to take Mr. Stevanovski's deposition for two hours on the record (*id.* ¶ 4); and
3. The parties shall promptly meet and confer to schedule the depositions of Defendants' experts (*id.* ¶ 3).

During the February 16 conference, Judge Cave asked how these measures might affect the timing of Plaintiffs' forthcoming motion for class certification, and Plaintiffs expressed a preference to modestly adjust the deadline, while making clear that Plaintiffs can proceed on the current schedule if directed, and that in all events Plaintiffs are committed to avoiding any

interference with the Court's summary judgment or trial schedule. Counsel for Defendants indicated that a partner at counsel's law firm, whom Defendants had anticipated would play a substantial role in opposing Plaintiffs' forthcoming class certification motion, recently passed away, and on that basis Defendants requested a modest extension to the class certification briefing schedule in light of this sudden loss.

Following the February 16 conference, the parties promptly conferred concerning such an adjustment to the class certification briefing schedule, while avoiding any disruption of the summary judgment or trial schedule, and now respectfully request an order making the following modifications to the schedule for briefing Plaintiffs' anticipated motion for class certification, with no changes to the summary judgment or trial schedule:

<b>Item</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Discovery - Defendants' Supplemental Reports or Declarations	February 28 (ECF 514 ¶ 2)	No Change
Class Certification - Plaintiffs' Motion	February 24 (ECF 504)	March 10
Class Certification - Defendants' Opposition	March 24 (ECF 504)	April 7 <sup>1</sup>
Class Certification - Plaintiffs' Reply	April 7 (ECF 504)	April 21 <sup>2</sup>

Respectfully submitted,

---

<sup>1</sup> This date allows Defendants the same number of days for their Opposition as in the original schedule.

<sup>2</sup> This date allows Plaintiffs the same number of days for their Reply as in the original schedule.

/s/ Roberta A. Kaplan

Roberta A. Kaplan  
John C. Quinn  
Maximillian Feldman

KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, 63<sup>rd</sup> Floor  
New York, New York 10118  
Telephone: (212) 763-0883  
Facsimile: (212) 564-0883  
rkaplan@kaplanhecker.com  
jquinn@kaplanhecker.com  
mfeldman@kaplanhecker.com

Andrew G. Celli, Jr.  
Matthew D. Brinckerhoff  
O. Andrew F. Wilson  
David Berman  
Nick Bourland

EMERY CELLI BRINCKERHOFF ABADY WARD &  
MAAZEL LLP  
600 Fifth Avenue at Rockefeller Center  
New York, NY 10020  
Telephone: (212) 763-5000  
acelli@ecbawm.com  
mbrinckerhoff@ecbawm.com  
awilson@ecbawm.com  
dberman@ecbawm.com  
nbourland@ecbawm.com

*Attorneys for Plaintiffs*

/s/ Peter T. Shapiro

Peter T. Shapiro

LEWIS BRISBOIS BISGAARD  
& SMITH LLP  
77 Water Street  
Suite 2100  
New York, NY 10005  
peter.shapiro@lewisbrisbois.com

Clifford S. Robert  
Michael Farina

ROBERT & ROBERT PLLC  
526 RXR Plaza  
Uniondale, New York 11556  
Telephone: (516) 832-7000  
crobert@robertlaw.com  
mfarina@robertlaw.com

*Attorneys for Defendants*

Alina Habba

HABBA MADAIO & ASSOCIATES LLP  
1430 U.S. Highway 206, Suite 240  
Bedminster, NJ 07921  
Telephone: (909) 869-1188  
ahabba@habbalaw.com

*Attorneys for Defendant Donald J. Trump,  
in his personal capacity*